

**State Board of Education
Briefing Paper
ESD Property Purchase Approval**

Issue/Definition: By law, Educational Service Districts (ESDs) cannot alienate or purchase property without prior approval from the State Board of Education. ESDs are political subdivisions of the state that “sit between” local school districts and the State Board and OSPI. The ESDs’ annual budgets include only 3% core services funding from the State. ESDs are service-oriented agencies that provide cooperative services to their member school districts that for reasons of economy of scale could not otherwise individually provide such services (e.g., transportation cooperatives, financial services, special education services)

RCW Cite: **RCW 28A.310.200(6)** ... No real property shall be acquired or alienated without the prior approval of the state board of education and the acquisition or alienation of all such property shall be subject to such provisions as the board may establish....

State Board Role: The State Board is the designated agency with statutory authority to grant approval of requests by ESDs to purchase property.

OSPI Role: OSPI staff (in Bill Panos’ shop, School Facilities and Organization) works with the ESD to make sure the paperwork is in order.

Effect on Districts: Typically, the ESD request leads to acquiring a new facility or building a new facility that often enhances the ESD’s ability to offer professional development opportunities, or makes it easier for ESD staff to provide information and services to school districts in the ESD region.

Recommendation from SBE Staff: An application that does not meet the approval criteria as vetted by OSPI staff is not forwarded to the State Board for approval consideration. Until this approval authority transfers to OSPI (see below), ESDs seeking approval prior to that time have honored the requirements in place and been evaluated by OSPI staff. If the application passes muster of the OSPI staff, the Board still has authority to grant approval and staff recommends the Board exercise that authority.

Expiration of SBE Authority: Mid-late June 2006. This authority transfers to the OSPI under E2SHB 3098. Actual date of transfer is 90 days after the Governor signs the bill.

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